

REMARKS/ARGUMENTS

Claims 1-41, 60, and 70-90 are pending in the application. Claims 1-41, 60, and 70-90 are rejected as anticipated under 35 U.S.C. 103(a).

Claim Amendments

New independent claim 91 proposes a computer-implemented method for retrieving and managing data from a plurality of automated teller machines over a network that involves pre-defining operational parameters for uploading files from the plurality of automated teller machines to a network management server according to any of a single selected day for, a number of days in, a day and time for, a selection of automated teller machines for, missed days in, automated teller machines that were unavailable during, and automated teller machines that reported an exception during, a retrieval period. New independent claim 91 proposes further that the network management server identifies files on one or more of the automated teller machines which were not previously uploaded, prioritizes the identified files according to pre-defined priority rules, uploads the identified files according to the pre-defined operational parameters and priority rules, and thereafter logs the uploaded files and provides user access to the logs via a graphical user interface on a client terminal.

Support for the foregoing amendment is found throughout the specification and in the claims and as detailed above. Accordingly, no new matter has been added.

Claim Rejections - 35 U.S.C. §103

Claims 1-7, 21-27, 41, 60, 79, 80, and 82-90 stand rejected as obvious over ARCserve v6.5 for Windows NT User Guide in view of Zeanah (U.S. 5,993,816) under 35 U.S.C. 103(a); claims 8-12 and 28-32 stand rejected as obvious over ARCserve v6.5 for Windows NT User Guide in view of Zeanah and further in view of Nixon (U.S. 6,513,060) under 35 U.S.C. 103(a); claims 13 and 33 stand rejected as obvious over ARCserve v6.5 for Windows NT User Guide in view of Zeanah and further in view of Acharya (U.S. 6,343,326) under 35 U.S.C. 103(a); claims 14 and 34

stand rejected as obvious over ARCserve v6.5 for Windows NT User Guide in view of Zeanah and further in view of Patrick (U.S. 5,790,541) under 35 U.S.C. 103(a); claims 15-19 and 35-39 stand rejected as obvious over ARCserve v6.5 for Windows NT User Guide in view of Zeanah and further in view of Schein (U.S. 6,226,623) under 35 U.S.C. 103(a); claims 20 and 40 stand rejected as obvious over ARCserve v6.5 for Windows NT User Guide in view of Zeanah and further in view of Mandyam (U.S. 6,236,989) under 35 U.S.C. 103(a); and claim 81 stands rejected as obvious over ARCserve v6.5 for Windows NT User Guide in view of Zeanah and further in view of Slotznik (U.S. 6,609,146) under 35 U.S.C. 103(a). The rejection is respectfully traversed and reconsideration is requested.

Statement Of Common Ownership Of, Or An Obligation For Assignment To, The Same Person(s) Or Organization(s) Under 35 U.S. §103(c)

The present application Serial No. 09/587,826 was filed June 6, 2000 claiming priority to Applicants' U.S. Provisional Application No. 60/138,348 filed June 9, 1999. See, e.g., Application, p. 1, lines 7-9 and the Declaration filed herein. The Zeanah reference asserted by the Examiner was filed August 7, 1997 claiming priority to U.S. Provisional Application No. 60/029,413 filed October 31, 1996 and was issued on August 3, 1999. The invention of the present application Serial No. 09/587,826 and the invention of the published Zeanah reference were, at the time the invention of the present application was made and at all times before and since, owned by Citicorp Development Center, Inc. Therefore, the reference, Zeanah, asserted by the Examiner is disqualified under 35 U.S. §103(c) from being used as prior art under 35 U.S.C. §102(e) in a rejection under 35 U.S.C. §103(a) against the claims of the present application.

With regard to independent claims 1, 21, and 79, the Examiner asserts that the ARCserve v6.5 for Windows NT User Guide reference discloses various elements of claims 1 and 21 but "fails to teach wherein the destination nodes consists at least in part of at least one self-service financial transaction terminal". The Examiner asserts further that "Zeanah et al teaches a system and method for delivering financial

services”; that “Zeanah et al teaches wherein the destination nodes consist at least in part of at least one self-service financial transaction terminal”; and that “[i]t would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate whcerein the destination nodes consists at least in part of at least one self-service financial transaction terminal as taught by Zeanah in the claimed invention of ARCserve V6.5 For Windows NT User Guide in order to provide a delivery system and method that are capable of supporting existing remote devices.”

Inasmuch as the Zeanah reference is disqualified from being used as prior art under 35 U.S.C. §102(e) in a rejection under 35 U.S.C. §103(a) against the claims of the present application, and in view of the Examiner’s assertion that the ARCserve v6.5 for Windows NT User Guide reference “fails to teach wherein the destination nodes consists at least in part of at least one self-service financial transaction terminal” as recited in independent claims 1, 21, and 79, the ARCserve v6.5 for Windows NT User Guide reference does not disclose or suggest the required combination of limitations of independent claims 1, 21, and 79, and the Examiner has failed to establish the required *prima facie* case of unpatentability. See In re Royka, 490 F.2d 981, 985 (C.C.P.A., 1974) (holding that a *prima facie* case of obviousness requires the references to teach all of the limitations of the rejected claim); See also MPEP §2143.03.

The Examiner has failed to establish the required *prima facie* case of unpatentability for independent claims 1, 21, and 79, and similarly has failed to establish a *prima facie* case of unpatentability for claims 2-20 that depend on claim 1, claims 22-41, 60, and 70-78 that depend on claim 21, and claims 80-90 that depend on claim 79, and which recite further specific elements that have no reasonable correspondence with the references.

Regarding new independent claim 91, the ARCserve backup software user, either separately or in combination with any of Zeanah, Nixon, Acharya, Patrick,

Schein, Mandyam, and/or Slotznik, lacks one or more limitations recited in claim 91 for at least the following reasons:

Instead of defining operational parameters for uploading files from the plurality of automated teller machines to the network management server according to any of a single selected day for, a number of days in, a day and time for, a selection of automated teller machines for, missed days in, automated teller machines that were unavailable during, and automated teller machines that reported an exception during, a retrieval period, and uploading and logging files according to the pre-defined operational parameters and priority rules for access by a user, as recited in new independent claim 91,

- The ARCserver backup software merely shows a user how to manually schedule periodic backup copying and storage from Windows NT machines (See, e.g., ARCserver, p. 1-2 and 1-3), how to manually schedule and select backup storage medium (See, e.g., ARCserver, p. 4-4, 4-5, 4-8, 6-2, and 6-11), and how to manually monitor backup copying while it is running (See, e.g., ARCserver, p. 9-23 and 10-15);
- Nixon merely discloses monitoring Internet websites by a monitor unit, e.g., by pinging the web server, performing a trace route on web servers, accessing the website, monitoring the web server, etc., a control unit of which can be configured with the number of times to retry getting a status, the action to be taken after the monitor unit fails to respond 'n' times, or to receive an error message when the monitor unit exceeds its maximum simultaneous host limit. See, e.g., Nixon et al. Col 5, line 50-Col 6, line 4; Col 20, lines 34-37; and Col 23, lines 45-46;
- Acharya merely discusses, e.g., simultaneously delivering an IP packet to a plurality of reception nodes using IP multicast protocol (A.K.A. dense mode PIM) or DVMRP, in which each transmission node transfers a multicast packet without recognizing the reception nodes and a connection for the multicast is established only after a reception node receives a first packet and

returns a signal indicating the receipt, which makes it impossible to establish a connection for the IP multicast prior to acknowledgement from each reception node in the path unless each reception node is known to the transmission node. See, e.g., Acharya et al., Col 3, lines 21-46;

- Patrick merely discloses message routing via a primary transceiver node connected to the Internet and various secondary nodes connected to the primary transceiver node via an intermediate network which are further connected via a secondary network to various terminals, such as PCs, in order to conserve internetwork addresses. See, e.g., Patrick et al., Abstract; and Col 9, line 60-Col 10, line 18;
- Schein merely discloses that banks provide customers financial services via ATMs, CATs, screen phones, PCs configured for banking, PDAs, IVR systems, and smart cards, as well as traditional human bank tellers and teaches a global messaging system accessible to customers and bank employees through branch systems, ATMs, CATs, screen phones, PCs using a card or PIN, account number(s), name, or social security number. See, e.g. Schein et al. Col 7, lines 20-24 and Col 8, lines 55-60;
- Mandyam discloses nothing more than a network-based 'help' architecture for software applications residing on a host data processing system which automatically converts a user's 'Help' request into a data format readable by the computer network. See, e.g., Mandyam et al., Abstract and Col 3, line 60-Col 4, line 2; and
- Slotznick discloses nothing more than automatic switching between a first mode in which a first executable program, such as a browser requesting, receiving and displaying information from a LAN, WAN, intranet, extranet or the Internet, is visible and active, and a second mode in which a second executable program is visible and active that is triggered by detecting that the first executable program has initiated an information processing mode, and the first mode is restored on completion of the information processing. See, e.g., Slotznick, Abstract and Col 12, lines 50-57.

Therefore, ARCserve v6.5 for Windows NT User Guide, Zeanah, Nixon, Acharya, Patrick, Schein, Mandyam, and/or Slotznick either separately or in combination with one another, do not disclose, nor even suggest, the required combination of limitations of new independent claim 91. Because the cited references, either alone or in combination, do not teach the limitations of new independent claim 91, the Examiner has failed to establish the required *prima facie* case of unpatentability. See In re Royka, 490 F.2d 981, 985 (C.C.P.A., 1974) (holding that a *prima facie* case of obviousness requires the references to teach all of the limitations of the rejected claim); See also MPEP §2143.03.

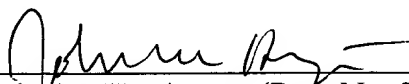
Conclusion

In view of the foregoing amendment and these remarks, each of the claims remaining in the application is in condition for immediate allowance. Accordingly, the examiner is requested to reconsider and withdraw the rejection and to pass the application to issue. The examiner is respectfully invited to telephone the undersigned at (336) 607-7318 to discuss any questions relating to the application.

Respectfully submitted,

Date:

9/23/05


John M. Harrington (Reg. No. 25,592)
for George T. Marcou (Reg. No. 33,014)

Kilpatrick Stockton LLP
607 14th Street, NW, Suite 900
Washington, DC 20005
(202) 508-5800